

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BRIAN WADE,

Plaintiff(s),

v.

BRIAN SANDOVAL, et al.,

Defendant(s).

Case No. 2:16-CV-129 JCM (GWF)

ORDER

Presently before the court is plaintiff Brian Wade's motion for reconsideration. (ECF No. 50). Defendants Rene Baker, Doris Parenteau, and Brian Sandoval filed a response (ECF No. 55), to which plaintiff replied (ECF No. 56).

A motion for reconsideration "should not be granted, absent highly unusual circumstances." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). "Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); Fed. R. Civ. P. 60(b).

"Motions for reconsideration are disfavored. A movant must not repeat arguments already presented unless (and only to the extent) necessary to explain controlling, intervening law or to argue new facts." LR 59-1(b).

In the instant motion, plaintiff argues that the court's reliance on NRS 484C.310 in dismissing defendants Sandoval and Baker was clearly erroneous. (ECF No. 50 at 5).

However, the court dismissed defendants Sandoval and Baker because "[p]laintiff fail[ed] to allege that defendants Sandoval and Baker personally participated in any constitutional

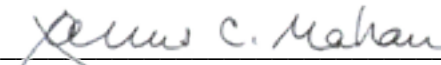
1 deprivation or that they knew of any violation and failed to act.” (ECF No. 47 at 6). Thus,
2 plaintiff’s argument fails.

3 Accordingly, because plaintiff has failed to show that “unusual circumstances” exist and
4 that reconsideration is appropriate, the court will deny plaintiff’s motion.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff’s motion for
7 reconsideration (ECF No. 50) be, and the same hereby is, DENIED.

8 DATED March 15, 2017.

9 
10 UNITED STATES DISTRICT JUDGE